



William G. Ross Jr., Secretary North Carolina Department of Environment and Natural Resources

> Alan W. Klimek, P.E. Director Division of Water Quality

**MEMO** 

TO: Interested Parties on 401 Certification Mailing List

FROM: John Dorney

RE: Recent change in mitigation guidance

DATED: June 21, 2005

On May 20, 2005 the Program Assessment and Consistency Group (PACG) approved new guidance on the use of compensatory mitigation in adjacent cataloging units (see attached copy or the electronic version posted on DWQ's wetland website h2o.enr.state.nc.us/ncwetlands). Development of this guidance has been coordinated with other state and federal agencies involved in wetland permitting in North Carolina. This guidance is intended to implement DWQ's 401 Certification and Isolated Wetland rules that pertain to compensatory mitigation. These rules (15A NCAC 2H .0506 (g)(8) and 15A NCAC 2H .1305 (g)(8), respectively) require mitigation for impacts to wetlands to be within the same river basin and physiographic province when practical. The intent of this guidance is to provide an explanation for the phrase "when practical" so the regulated public and mitigation providers can understand and comply with this portion of the rules. To assist in the use of this guidance, the PACG approved the use of a modified Ecoregion map (attached to this guidance). An electronic version of this map is available upon request to Rick Savage of DWQ's staff (rick.savage@ncmail.net) or by phone at 919-733-1786. DWQ plans to begin to use this guidance immediately when appropriate. Any questions regarding the guidance and DWQ's use of it can be directed to John Dorney (john.dorney@ncmail.net) at 919-733-9646.

In addition, DWQ has received an application for an Individual Isolated Wetland Permit for excavation of 1.59 acres of isolated wetlands for the Gold Hill Quarry Expansion in Cabarrus and Rowan Counties. A Public Notice was published for this project in the local paper. A copy of the Public Notice is included in this mailout. Questions can be addressed to Cyndi Karoly at 919-733-1786 and comments received by July 19, 2005.

Cc: DWQ Regional Wetland contacts

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